

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19- 01029

DEFENDANT NO. 1: \$222,741.00 IN  
U. S. CURRENCY, More or less;

DEFENDANT NO. 2: ONE WESTERN  
FIELD, MODEL M550A, 12 GAUGE  
SHOTGUN, SN: NONE

DEFENDANT NO. 3: ONE STAG ARMS,  
MODEL 15, .556 CAL. RIFLE,  
SN: 172766;

DEFENDANT NO. 4: ONE COMPANHIA  
BRAZILIERA DE CARTUCHOSE  
MOSSBERG, MODEL 715T, .22 CAL.  
RIFLE, S/N: EKD3220969;

DEFENDANT NO. 5: ONE GLOCK,  
MODEL 19 HANDGUN, S/N: WGZ825;

DEFENDANT NO. 6: ONE LLAMA,  
MODEL 38 HANDGUN, S/N: 691790;

DEFENDANT NO. 7: ONE RUGER,  
MODEL P89C HANDGUN, S/N:  
31362377;

DEFENDANT NO. 8: ONE SCCY,  
MODEL CPX-2 HANDGUN, S/N: 167984;

DEFENDANT NO. 9: ONE TAURUS,  
MODEL PT845 HANDGUN, S/N:  
NBV58076;

DEFENDANT NO. 10: MISCELLANEOUS)  
FIREARM AMMUNITION; )

Defendants. )  
\_\_\_\_\_ )

### **COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, United States of America, by and through its attorneys, Stephen R. McAllister, United States Attorney for the District of Kansas, and Colin Wood, Special Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

#### **NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the above-captioned property (hereinafter "defendant property"), for violations of 18 U.S.C. § 924(d), 21 U.S.C. § 841, 21 U.S.C. § 881(a)(6), and/or 21 U.S.C. § 881(a)(11).

#### **THE DEFENDANT IN REM**

2. The defendant property is as captioned and was seized during the execution of a criminal drug search warrant on or about August 9, 2018 at 11108 W. Lantana Circle, Wichita, Sedgwick County, Kansas, in the District of Kansas. The property is currently in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Wichita Police Department.

#### **JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355.

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. 1355(b). Upon filing this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district and/or pursuant to 28 U.S.C. § 1395, because the defendant property is located in this district.

#### **BASIS FOR FORFEITURE**

6. Defendant No. 1 is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; and/or 2) proceeds traceable to such an exchange; and/or 3) money, negotiable instruments, and securities used or intended to be used to facilitate a violation of the Controlled Substances Act. Defendants No. 2-10 are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11) because they were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances; and 18 U.S.C. § 924(d) because they were involved in or used in violation of the Controlled Substances Act.

7. Supplemental Rule G(2)(f) requires this complaint to state *sufficiently detailed facts to support a reasonable belief that the government will be able to meet its burden of proof at trial*. Such facts and circumstances supporting the seizure and forfeiture of the defendant property are contained in Exhibit A which is attached hereto and incorporated by reference.

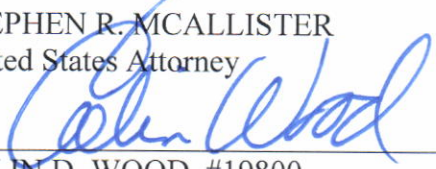
**CLAIM FOR RELIEF**

WHEREFORE, the plaintiff requests that the Court issue a warrant for the arrest of the defendant property; that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the properties; that the defendant property be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action; and for such other and further relief as this Court deems proper and just.

The United States hereby requests that trial of the above entitled matter be held in the City of Wichita, Kansas.

Respectfully submitted,

STEPHEN R. MCALLISTER  
United States Attorney



---

COLIN D. WOOD, #19800  
Special Assistant United States Attorney  
1200 Epic Center, 301 N. Main  
Wichita, Kansas 67202  
(316) 269-6481  
Fax (316)269-6484



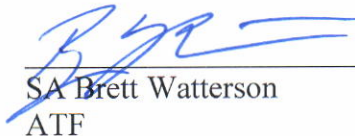
**DECLARATION**

I, Brett Watterson, Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the District of Kansas.

I have read the contents of the foregoing Complaint for Forfeiture, and the exhibit thereto, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11 day of February, 2019.

  
SA Brett Watterson  
ATF

**AFFIDAVIT IN SUPPORT OF COMPLAINT FOR FORFEITURE**

I, Brett T. Watterson, being duly sworn, hereby depose and say:

1. Affiant is a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, and has been so employed since December, 2013. Affiant is currently assigned to the Wichita Field Office in Wichita, Kansas. As a Special Agent with ATF, affiant has conducted and/or participated in investigations involving controlled substances, organized criminal activity, violent crime confidential informants, search warrants, and asset forfeiture.

2. This affidavit is made in support of a forfeiture proceeding concerning the following property seized by the Wichita Police Department on or about August 9, 2018:

- A. \$222,741.00 in U. S. currency more or less;
- B. One Western Field, Model M550A, 12 gauge shotgun with no serial number;
- C. One Stag Arms, Model STAG 15, .556 semi-automatic, rifle, S/N 172766;
- D. One Companhia Brasileira de Cartuchos imported by Mossberg, Model 715T, Tactical 22 rifle, S/N EKD3220969;
- E. One Glock, Model 19, semi-automatic pistol, S/N WGZ825;
- F. One Llama, Model 38 Special, pistol, S/N 691790;
- G. One Ruger, Model P89, semi-automatic pistol, S/N 31362377;
- H. One SCCY, Model CPX-2, semi-automatic pistol, S/N 167984;
- I. One Taurus, Model PT845, pistol, S/N NBV58076;
- J. Miscellaneous firearm ammunition;

3. The facts set forth in this affidavit are based upon affiant’s personal observations, affiant’s training and experience, information obtained from other law enforcement officers and

witnesses, and other sources of information. This affidavit does not purport to set forth all of my knowledge of or investigation into this matter.


#### **STATEMENT OF PROBABLE CAUSE**

4. On August 7, 2018, Wichita Police Detective Krys Henderson applied for and received a state drug search warrant for the residence of 11108 W. Lantana Circle, Wichita, Kansas, in the District of Kansas. The warrant was executed on August 9, 2018. Officers found inside Tony N. Nguyen and Danielle Howe. Investigators noticed a strong odor of raw marijuana radiating throughout the residence. In the basement found evidence of drug distribution including two vacuum sealer machines, empty plastic vacuum sealer bags, a cash counting machine, digital scales, a safe, and the firearms and ammunition listed above. Inside the safe were more plastic vacuum sealer bags containing marijuana, a large mason jar containing marijuana, a large clear plastic container with marijuana inside, firearms, and another small safe. Inside the smaller safe was \$222,591.00 in U.S. currency, more or less. An additional \$150.00 in U.S. currency was found in another area of the residence. Tony N. Nguyen's fingerprints were found on many of the plastic vacuum bags that contained marijuana. The total weight of marijuana found at the residence was approximately 7,469 grams.

Affiant has probable cause to believe that currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; and/or 2) proceeds traceable to such an exchange; and/or 3) money, negotiable instruments, and securities used or intended to be used to facilitate a violation of the Controlled Substances Act.

Further, affiant has probable cause to believe that the firearms and ammunition are subject to forfeiture pursuant to 21 U.S.C. 881(a)(11) as they were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

Further, affiant has probable cause to believe that the firearms and ammunition are also subject to forfeiture pursuant to 18 U.S.C. 924(d)(1) as they were involved in or used in a violation of the Controlled Substances Act, or were intended to be used in a violation of the Controlled Substances Act.

  
Brett T. Watterson  
Special Agent  
ATF

Subscribed and sworn to before me on this 11 day of February, 2019.

  
Michelle R. Kellogg  
Notary Public

My commission expires: 11/02/2022

